

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Joseph Thomas Konupka, III
aka Joseph Thomas Konupka
Debtor

Chapter:13

Case number:1:19-bk-02953

Joseph Thomas Konupka, III
aka Joseph Thomas Konupka
Movant

Matter: MOTION TO DETERMINE
SECURED STATUS

vs,

PENNSYLVANIA HOUSING FINANCE
AGENCY,
Respondents

Notice

NOTICE OF OPPORTUNITY TO OBJECT AND HEARING: Pursuant to Local Rule 2002-1(a), the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection/response within twenty-one (21) days of the date of the notice. If you object to the relief requested, you must file your objection/response with the Clerk, U. S. Bankruptcy Court, 228 Walnut Street, Third Floor, PO Box 908, Harrisburg PA 17108-0908 and serve a copy on the movant and movant's attorney, if one is designated.

If you file and serve an objection/response within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

Date: January 3, 2020

Dorothy L. Mott, Esquire
Attorney ID #43568
Mott & Gendron Law
125 State Street
Harrisburg PA 17101
(717)232-6650 TEL
(717)232-0477 FAX
doriemott@aol.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	CHAPTER 13
JOSEPH THOMAS KONUPKA, III	:	
aka Joseph Thomas Konupka	:	CASE NO. 1:19-bk-02953
Debtor	:	
	:	
JOSEPH THOMAS KONUPKA, III	:	
aka Joseph Thomas Konupka	:	
Movant	:	
	:	
v.	:	
	:	
PENNSYLVANIA HOUSING FINANCE	:	
AGENCY	:	
Respondent	:	

MOTION TO DETERMINE SECURED STATUS

COMES NOW the Debtor, by and through Dorothy L. Mott, Esquire, and respectfully moves the Court pursuant to Section 506 of the Code to Determine Secured Status asserted by the Respondent, respectfully stating in support thereof:

1. The Debtor filed the above-captioned bankruptcy on 7/10/2019.
2. Debtor listed the following property: 407 Wiconisco Street, Harrisburg, PA (the "Property.")
3. The Property is encumbered by a second mortgage held by Pennsylvania Housing Finance Agency.
4. The fair market value of the Property is \$55,000.00.

5. A senior mortgage payable to Crescent Mortgage Company totaling \$76,877.32 encumbers the Property.

6. Pennsylvania Housing Finance Agency holds a wholly unsecured claim.

WHEREFORE, Debtor requests the entry of an order:

- (i) granting this motion;
- (ii) determining that the value of the Property is \$55,000.00; and;
- (iii) determining that Creditor's claim is unsecured; and
- (iv) voiding the junior mortgage held by Pennsylvania Housing Finance Agency upon completion of the Chapter 13 plan; and
- (v) granting any other relief the Court deems appropriate.

Respectfully submitted,

/s/ Dorothy L. Mott
Dorothy L. Mott, Esquire
Attorney ID# 43568
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	:	
JOSEPH THOMAS KONUPKA, III	:	
aka Joseph Thomas Konupka,	:	
Movant	:	
	:	
v.	:	
	:	
PENNSYLVANIA HOUSING FINANCE	:	
AGENCY,	:	
Respondent/Claimant	:	

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on January 3, 2020, I served a copy of the foregoing document(s) electronically or by placing the same in the United States Mail, First Class, postage pre-paid, addressed as follows on the following parties:

Name and Address	Mode of Service
CHARLES J DEHART, III, ESQUIRE 8125 ADAMS DRIVE SUITE A HUMMELSTOWN, PA 17036 dehartstaff@pamd13trustee.com ,	Electronically
Jada Greenhowe, Esquire Attorney for Pennsylvania Housing Finance Agency jgreenhowe@phfa.org , imcallister@phfa.org	Email

I certify under penalty of perjury that the foregoing is true and correct.
Date: 01/03/2020

/s/ Dorothy L. Mott
Dorothy L. Mott, Esquire
Attorney ID# 43568
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	:	
PENNSYLVANIA HOUSING FINANCE	:	
AGENCY,	:	
Respondent/Claimant	:	
	:	
	:	
	:	

ORDER

UPON CONSIDERATION of the Motion to Determine Secured Status, and after notice and opportunity for hearing thereon, it is hereby
ORDERED AND DECREED that

- (i) the motion is granted; and
- (ii) the value of the Property is \$55,000.00; and
- (iii) the claim of Pennsylvania Housing Finance Agency is unsecured; and
- (iv) the Pennsylvania Housing Finance Agency mortgage is avoided upon completion of the Chapter 13 plan; and
- (v) Pennsylvania Housing Finance Agency shall satisfy the mortgage of record within 60 days of the entry of the discharge order.